

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EVDOKIA NIKOLOVA,

Plaintiff,

v.

UNIVERSITY OF TEXAS AT AUSTIN,

Defendant.

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1:19-CV-877-RP

ORDER

After a five-day jury trial, the jury in this case returned a verdict in favor of Plaintiff Evdokia Nikolova (“Nikolova”) on March 11, 2022. (Verdict, Dkt. 95). The jury determined that Nikolova proved by a preponderance of the evidence that Defendant University of Texas at Austin (“UT Austin”) would have awarded Nikolova tenure in February 2019 but for her sex, and that UT Austin would have awarded her tenure in February 2019 but for her pregnancy. (*Id* at 1). Based on its affirmative answers to the first two questions, the jury awarded Nikolova \$1,000,000.00 in damages resulting from past pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life; \$2,000,000.00 in damages for future pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life; and \$50,000.00 in back pay wages and benefits from September 1, 2019 through the date of the verdict. (*Id.*at 2).

Following the trial, Nikolova filed a Motion for Judgment noting that compensatory damages in Title VII cases are capped at \$300,000.00 and requesting that the Court enter judgment for an award of compensatory damages in that amount. (Mot. J., Dkt. 99, at 3). UT Austin does not oppose. (Resp., Dkt. 102, at 1). Finding this amount reasonable, the Court will award Nikolova the statutory cap of \$300,000.00. Nikolova further requests that the Court enter an award of \$50,000.00 in back pay and benefits, as determined by the jury, (Mot. J., Dkt. 99, at 4), which UT Austin does

not substantively oppose, (Resp., Dkt. 102, at 1). Finding this amount reasonable, the Court will award Nikolova back pay and benefits in the amount of \$50,000.00.

Nikolova additionally requests an award of pre-judgment interest on back pay damages. (Mot. J., Dkt. 99, at 5). Given the lack of opposition from UT Austin, (Resp., Dkt. 102, at 2), the Court will award interest on back pay at a rate of 5.5%, the rate published by the Board of Governors of the Federal Reserve System as of the date of this judgment. At \$7.53 per day for 1,085 days as of this date, the award of pre-judgment interest totals \$8,170.05. Nikolova also requests, and UT Austin does not oppose, post-judgment interest, (Mot. J., Dkt. 99, at 16). The Court will award post-judgment interest to be calculated and compounded pursuant to 28 U.S.C. § 1961 on the date judgment is paid. *See* Post Judgment Interest Rates (Weekly), <https://www.txwd.uscourts.gov/for-attorneys/post-judgment-interest-rates-weekly/>.

Finally, Nikolova requests an award of front pay under several scenarios and timelines of tenure receipt. (Mot. J., Dkt. 99, at 6). UT Austin opposes this request. (Resp., Dkt. 102, at 2). Following briefing on Nikolova's motion, she filed an advisory to the Court indicating that she had received tenure from UT Austin effective September 1, 2022. (Advisory, Dkt. 105, at 1). Nikolova stated that the parties plan to file additional briefing on the impact of this salary increase on Nikolova's request for front pay. (*Id.*). In light of this development, the Court will reserve judgment on the issue of front pay but will entertain a future motion to amend the judgment in this respect as set out below.

Finding nothing left to resolve, the Court renders this final judgment pursuant to Federal Rule of Civil Procedure 58.

IT IS ORDERED that judgment is entered in favor of Nikolova.

IT IS FURTHER ORDERED that Nikolova is **AWARDED** damages as follows:

Compensatory damages (past and future): \$300,000.00.

Back pay damages: \$50,000.00.

Prejudgment interest on back pay at a rate of 5.5%, for a total of \$8,170.05.

Post-judgment interest until paid at the weekly rate set under 28 U.S.C. § 1961.

IT IS FURTHER ORDERED that Nikolova shall file any motion for reasonable attorneys' fees and a bill of costs, with supporting documentation, no later than **September 6, 2022**, pursuant to Local Rules CV-7(j)(1) and CV-54(a).

IT IS FURTHER ORDERED that, in light of Nikolova's Advisory to the Court, (Dkt. 105), the parties shall file a joint status report on or before **September 6, 2022**, regarding their intentions to file any additional briefing on front pay or motions to amend this judgment to award front pay. The Court will not entertain any motion to amend unless filed or identified in a status report on or before that date.

IT IS FURTHER ORDERED that any relief requested by any party not expressly granted is **DENIED**.

IT IS FINALLY ORDERED that this action is **CLOSED**.

SIGNED on August 22, 2022.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE